

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for review of
proposed numbering plan relief
for the 407 area code.

DOCKET NO. 980671-TL
ORDER NO. PSC-99-2185-FOF-TL
ISSUED: November 8, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

ORDER DENYING EMERGENCY REQUEST FOR EXTENSION OF THE PERMISSIVE DIALING PERIOD UNTIL APRIL 1, 2000, BY ADT SECURITY SERVICES, INC.

BY THE COMMISSION:

In Order No. PSC-99-0384-FOF-TL, issued February 23, 1999, we approved an overlay plan for Orange, Osceola, and Seminole Counties (the affected counties). In addition, Brevard County was assigned the 321 area code. Permissive dialing of the 407 area code for the affected counties began on April 1, 1999, and will end on December 1, 1999. Mandatory ten-digit dialing of the 407 and 321 area codes for the affected counties will begin on December 1, 1999. Permissive dialing will begin in Brevard County on November 1, 1999, and will end on September 30, 2000.

On September 10, 1999, ADT Security Services, Inc. (ADT) filed an Emergency Request for Extension of Permissive Dialing in Docket No. 980671-TL.¹ ADT requested an extension of the start of mandatory ten-digit dialing for an additional four months, until April 1, 2000. On September 23, 1999, Sprint-Florida Incorporated (Sprint) filed a letter with our Division of Records and Reporting to lodge an initial objection to ADT's Emergency Request.

¹ The Petition was titled "Emergency Request" but did not cite specific authority. We believe, however, the matter was handled appropriately.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING.

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In its Petition, ADT requested a temporary variance from Order No. PSC-99-0384-FOF-TL to extend the beginning of mandatory ten-digit dialing for the affected counties. ADT stated that it has approximately 15,000 customers in the affected counties, 65 percent of whom are residential customers. ADT received notice from BellSouth via certified mail on April 9, 1999, and from Sprint via facsimile on April 14, 1999, that ten-digit dialing would become mandatory on December 1, 1999. ADT explained that it must obtain access to each of its customers' security systems in the affected counties in order to convert the security systems to recognize the new dialing pattern. ADT asserted that since the notification, it has taken all necessary and reasonable steps to complete the conversions by the deadline, but would be unable to complete all of the conversions by the mandatory dialing date because customers failed to respond to its letters and telephone requests to schedule a conversion appointment.

ADT further explained that some of its customers were obtained in the acquisition of Entergy Security Systems in January 1999. Entergy was comprised of many smaller alarm companies that used older equipment which made it difficult for ADT to acquire the appropriate reprogramming equipment to complete the task. In addition, ADT stated that it must make an appointment in order to gain entry to the homes of its residential customers. ADT added that in approximately five to ten percent of the site visits, a total replacement of the equipment would be required before conversion could be made.

ADT argued that unless we granted the extension of time, approximately 20 percent of its customers (3,000) would be without monitoring service. ADT maintained that it and its customers would be subjected to a substantial hardship if we denied the extension of time. ADT claimed that denial of the extension could expose ADT's customers to significant and unintended harm. ADT stated that the average conversion time is 1.8 hours and that one technician could average four site visits per day. ADT estimated that it would need approximately four months, until April 1, 2000, to complete the conversions. Therefore, ADT asked that we extend the mandatory ten-digit dialing for those exchanges where ADT has affected customers in the affected counties.

On September 14, 1999, our staff discussed this issue with Mr. Wayne Milby, the eastern North American Numbering Plan (NANP) relief planner. Mr. Milby stated that the current code rationing procedure allows for the distribution of 11 NXX codes per month.

Thus, as of December 1999, the total number of NXX codes remaining for the affected counties will be 14, which is approximately one month's allotment of NXXs. In the affected counties, the 321 NXX codes will be effective immediately once the 407 NXX codes exhaust. Pursuant to Federal Communications Commission Order No. 96-333, in CC Docket No. 96-98, 321 NXXs cannot be issued in the affected counties until mandatory ten-digit dialing is implemented.

On October 4, 1999, our staff met with representatives from ADT, Sprint, and BellSouth to discuss the issue of extending the area code overlay deadline. In response to concerns raised that ADT may not have taken sufficient action to address converting equipment, ADT indicated that since July 1, 1999, it had reassigned eight existing experienced service technicians and five data specialists to system conversions/programming, and trained new employees for a total of 11 technicians and 14 specialists. ADT also indicated that it would reassign or hire personnel to meet the demands for conversions. These actions appear to us to be reasonable.

ADT also sent three mailings to its customers explaining the need for reprogramming and asked the customers to call for an appointment. ADT indicated that on average, it received approximately five percent of its customers responded. ADT also explained that it calls its customers that have not had their system reprogrammed on an average of every two weeks, but is only able to set up appointments for approximately ten percent of those calls. ADT stated that appointments are made and a technician is dispatched within one to two days of the customer's call. ADT maintains that the main problem is getting customers to respond and make appointments. ADT surmised that the low response rate is due in part to the number of seasonal residents living in this area. ADT indicated, however, to our staff that should customer response increase, it will do whatever necessary to meet that response to reprogram systems.

In response, Sprint argued that it would incur substantial cost to renotify customers of a new date if the mandatory deadline was postponed. Sprint claimed that additional out-of-pocket translation costs would occur but indicated that it had not yet had the opportunity to calculate those costs. More importantly, Sprint argued that the NXXs available in the 407 area code are rapidly dwindling and the remaining numbers would not last until April 1, 2000. Sprint emphasized that a lack of numbers would create a tremendous cost to carriers who could not get numbers.

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We note that in prior cases, we have granted an extension for those NXXs which were affected. ADT confirmed, however, that there are 280 NXXs where customers reside that would be affected when ten-digit dialing becomes mandatory. Thus, in this case, due to the high number of affected NXXs, any revision to the implementation schedule would have to affect the entire 407 area.

Consideration was given to imposing the mandatory 321 area code change to Brevard County without any permissive dialing period as a way to free up 407 NXXs. That approach would not, however, provide sufficient time to notify customers, businesses, and their associates, and the industry would not be able to accommodate an immediate area code change in the central offices. Thus, eliminating the permissive dialing period for Brevard County could create extreme customer confusion, hardship, and a burden to businesses, county officials, and customers.

Extending the mandatory ten-digit dialing date for the overlay area is also problematic because under the rationing procedure, the current 407 NXXs are expected to exhaust in late December. Therefore, in order to extend the life of the remaining 407 NXXs, stricter rationing would have to be implemented. In order to institute stricter rationing for the entire 407/321 overlay area, the industry must, however, reach a consensus. The industry and NANP Administration (NANPA) may not be willing to implement stricter rationing procedures because each carrier must be able to compete and have equitable access to numbering resources in a timely manner. Moreover, the wireless carriers need access to telephone numbers during the month of December due to seasonal sales increases.

Therefore, upon consideration, we find that the current implementation schedule for the entire 407 area (Brevard, Orange, Osceola, and Seminole counties) should remain intact and ADT's request for waiver is denied. We emphasize that it appears that ADT took all reasonable steps to inform its customers of the situation. Consequently, we cannot allow those customers who failed to remedy their situation to delay implementation to the detriment of all the citizens in the area. Nevertheless, we encourage ADT to send, via certified mail, a notice to all of its customers, who have not been converted as of November 1, 1999, advising them of the necessity of making the conversion. Specifically, this notice should emphasize the ramifications of missing the December 1, 1999 deadline.

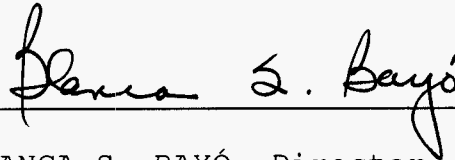
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It is therefore

ORDERED by the Florida Public Service Commission that the Emergency Request for Extension of Permissive Dialing in Docket No. 980671-TL filed by ADT Security Services, Inc. is denied. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 8th day of November, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme

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Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.